NOMOREPAYFORCONGRESSMEN

HOUSE VOTES DOWN PROPOSED INCREASE, 188 TO 107,

But Votes \$12,000 Each for the Speaker, the Vice-President and Members of the Cabinet -Gaines of Tennessee Makes a Vociferous Plea for the Increase.

WASHINGTON, Dec. 14.-By a yea and nay rote of 107 to 188 the House of Representatives to-day refused to increase the salaries of Senators and Representatives in Congress rom \$5,000 to \$7,500 a year, with actual traveling expenses instead of the present flat allowance of 20 cents a mile. This action ame at the close of two hours of rather poisterous debate and was followed by the passage of the Legislative, Executive and Indicial Appropriation bill, to which the salary increase proposition was offered as an amendment. Prior to taking up the matter of increasing their own pay the House adopted an amendment by the handseme majority of 163 increasing the ·alaries of the Vice-President, the Speaker and members of the Cabinet from \$8,000 to

There is not any doubt in the minds of most, if not all, the people's representatives in the lower branch of Congress that the great majority of their number were in favor of the proposed increase but were afraid, for tear of endangering their chances of political preferment, to vote for it. Representatives Clark of Florida and Sullivan of Massachusetts frankly said so in the speeches they made in favor of the increase. There is a hope on the part of many of those who voted against the additional salary provision that the Senate will have the courige to adopt it and thus afford the House an excuse for following suit. But the senate is an uncertain body.

Once before the House, purely for political effect, adopted a provision forbidding the sale of beer, wines and liquors in the restaurants of the Capitol. It was pretty generally believed on the House side that the Senate would reject this prohibitionary lictum, but the Senate acquiesced, and from that day to this the Congressman who vants an intoxicating drink while he is at the Capitol must keep it in his committee room or walk to the nearest saloon, which s several blocks away.

John Wesley Gaines, who was cours zeous enough to raise his voice in favor of the increase, heeded not the low chanting by those scoffers who sat near him of this new version of an old refrain:

John Wesley Gaines, John Wesley Gaines, Thou monumental pile of brains.

Come in, John Wesley, for it rains, John Wesley Gaines, John Wesley Gaines. The Tennessee Congressman did not place upon grounds of necessity and right and justice his insistence that his salary should be increased. He based his argument upon the self-effacing policy that as George Washington once put \$25,000 of Government money into his own pocket after saying he did not want it no humble man like John Wesley Gaines had the right to refuse an increase of salary and thus seem to place himself upon a higher plane

than the first President. "Am I better than the father of our country?" cried Mr. Gaines and not one ong dared to answer

with the truth. The most humorous and at the same time most pitiable thing about the vote on the question of salary increase was the way in which more than a score of memhera voted one way when their votes were not recorded and another way when they had to answer "Aye" or "Nay." On the first vote a division was demanded and the Representatives to be counted. Speaker annon's eagle eye detected 101 members in favor of and 163 against the proposition, but when the yeas and nays, were or-dered 2s who had voted for the increase were recorded against it.

Representative Littauer brought up the increase proposition in a series of amendments to the then pending bill. Representative Boutell of Illinois made the principal speech in opposition. He claimed that it was honor enough to represent one's country in the House and money considerations should not cut any figure. Those who spoke for the increase contended that their services were worth it, that many members lost money by coming to Congress and that the expenses of living were increasing.

In accordance with the agreement made vesterday, Congressman Littauer of New York offered the amendment providing that after March 4, 1907, the salary of the Vice-President and the Speaker shall be \$12,000 a year. The amendment was adopted after considerable debate.

Supporting the amendment, Mr. Littauer said that the existing salary of these offiers was in no sense commensurate with the dignity and duties of the office. No Vice-President or Speaker, he said, could live as he was compelled to do and pay his expenses out of the \$8,000 salary now provided. As long as 50 years ago Congress paid the Speaker a salary twice as large

as that of members. Mr. Burleson (Dem. Tex.)-Will the gentleman state the salary of the Speaker of the House of Commons?

Mr. Littauer-He is paid \$25,000 a year, nesides which a magnificent Gothic mansion s provided for him. At the end of his service he is made a peer and receives a pension sufficient to maintain his rank. So is the Speaker of the French Chamber of Deputies. He has \$25,000 a year and a regiment of soldiers for an escort; and the band plays every time he takes his seat.

The proposition was opposed by Mr. Underwood (Dem., Ala.), who said he did not believe there should be any further increase of salaries of legislative and execu-

Mr. Gaines (Dem., Tenn.)-Did not the gentleman vote for the increase of the dudges' salaries? And are they any better

Mr. Underwood (calmly)—I think so. Mr. Gaines (emphatically)-Well, I never saw a Judge that I thought was a better man in any way than the gentleman from

Alabama or myself. Mr. Underwood-I was speaking of the average member of the House, like myself. and not, of course, of the gentleman from

Continuing, Mr. Underwood said Representatives were not sent to Congress to make money, and they ought not to, either

out of their salaries or their position. The

Continued on Second Page

BLAME FOR BROWNSVILLE RAID.

President Directs That Officers of Negro

Troops Be Tried by Court-Martial. WASHINGTON, Dec. 14.-President Roosevelt has directed that Major Charles W Penrose and Capt. E. A. Macklin, both of the Twenty-fifth Infantry, be tried by court-martial for neglect of duty in connection with the raid by members of the three companies of the Twenty-fifth stationed at Brownsville, Tex., last August These two officers were in command of the negro soldiers who have since been dismissed without honor from the army because of the complicity of some of the members of the battalion in the attack upon Brownsville.

There has been a great deal of comment concerning the degree of responsibility of the officers in command of the troops, and it is now to be determined whether they were to blame at all. The reports of the officers who investigated the affair practically exonerated the commanding officers of all blame in the matter. It is held, however, that they should have been better informed of the sentiment against the soldiers which was so prevalent in Brownsville and to have taken some action which

might have prevented the disastrous result. Another feature which will be brought out by the trial is how the ten or twenty soldiers who left the Government reservation could have got away with their arms without being discovered by those in com-

MRS. OSLER'S BIRTHDAY. Wonderful Cake for Centenarian, Mother

of Advocate of Short Lives. TORONTO, Dec. 14.-Mrs. Featherston Osler celebrates to-day at her home on Wellesley street the one hundredth anniversary of her birth. In spite of her years this wonderful old lady is still able to receive her friends and to enjoy such an occasion as that which brings the family

together to-day. Her sons included the late B. B. Osler. C., one of the ablest of Canadian lawyers Dr. William Osler, regius professor of medidine at the University of Oxford; Justice Featherston Osler of the Ontario Court of Appeals, and E. B. Osler, M. P., a well known financier. Mrs. Osler has six children living, twenty-six grandohildren and twenty-one great-grandchildren. A large proportion of these were present at the

birthday celebration to-day. Mrs. Osler has lived under five English overeigne. This fact is aptly set forth upon the cake which graces to-day's festivities. On the top story is the inscription: "E. T. Osler, Dec. 14, 1806, George III. Rex " The next story is marked with the name of George IV., and so on down, the other sovereigns being William IV., Victoria and Ed-

The cake is a huge one, the base the size of a small table; it is set thickly with 100 red and white candles. Pictures in red icing on the various stories illustrate the architecture and ships typical of the different periods.

Mrs. Osler is in perfect health and the only sign of age is a slight deafness.

WOODRUFF'S BEAR WINS.

The Guide Who Was Bitten by Bruin Non-Suited in His Suit for \$10,000 Damages. HERKIMER, Dec. 14.-Judge Devendorf non-suited the case of William Irvin against Timothy L. Woodruff this morning, on distress. motion of Jerome D. Cheney, who with Senator Horace White was counsel for the defence. Judge Devendorf maintained that there was not sufficient evidence to make

After Franklin, a guide who was the first witness to-day, had testified, Mr. Cheney arose with a motion for non-suit. His argument was an apparent surprise to the counsel for plaintiff. He said that the plaintiff's own testimony showed that he knew of the bear's ferocity and yet placed himself in danger by going within the limit of the strong chain which held the bear. Plaintiff also testified, Mr. Cheney said, that Mrs. John Woodruff said: "Billy, be

Mr. Fitzgerald asked for a denial of the notion and that the case go to the jury. Judge Devendorf, however, was emphatic in his statement that no liability had been shown on the part of the plaintiff.

Timothy Woodruff, his wife, Mrs. John Woodruff, and the members of the house party were all in court to testify for Mr. Woodruff, but did not get a chance to do so

The argument that the "Timmy bear was known to be ugly, brought out by the prosecution, proved the keynote on which the defence won the non-suit. The opportunity, however, of seeing the former Lieutenant-Governor in the witness chair occupied by Chester Gillette a week before was a keen disappointment to the specta-

Fitzgerald will petition to the Court of Appeals for review in an effort to get an appeal.

SUNDAY THEATRE LAW.

Magistrate Baker Holds Hammerstein

Because of a Juggling Performance As a result of Magistrate Baker's interpretation of the law prohibiting Sunday theatrical performances B. Hammerstein, manager of Hammerstein's Victoria Theatre, was held yesterday in the West Side court for last Sunday evening's perform-

ance. The examination will be held next Policemen White and Geideman of the West Forty-seventh street station mitted a written statement on [Sunday's vaudeville performance and left it to Magistrate Baker to decide whether the law had been violated. The Magistrate decided that a performance in which balls and other objects were juggled was not a Sunday sacred concert. The policemen made out

LAWYER NUGENT GUILTY.

the complaint on this point.

convicted of Grand Larceny for Making Faise Representations.

Frederick F. Nugent, who has been awyer for thirty years, was convicted of grand larceny in General Sessions yesterday. He was president of the Equitable Title Guarantee Con pany and interested in other concerns. Percy Vandewater, who lives in Long Island, tried to get a job as manager of the Equitable company, and Nugent made him put up \$300 in cash and \$700 in notes. Then Vandewater found that the company wasn't incorporated and that the company wasn't incorporated and that Nugent had made other false repreentations as to directors.

Nugent will be sentenced by Judge Cow-

ing. He may get ten years.

NEW YORK HERALD'S CHRISTMAS NUM-BER. SUNDAY. December 16. Charming Full Page Pictures in Colors, and eight page Comic Section in Colors, Original Christmas Stories. prospective shippers shall subject such rail-crisp Holiday Humer. Order copy new.—Ade. road to a like charge or penalty."

CAR SHORTAGE IS SERIOUS.

MAY TIE UP MANY LINES OF BUSI-NESS IN THE WEST.

If It Continues a Famine in Food May Result in Certain Places -People Freezing Because Sufficient Coal Cannot Be Procured-An Appeal to the Railroads.

WASHINGTON, Dec. 14 .- So serious has the shortage in the supply of cars become that it threatens to tie up many lines of business, and if continued may cause untold suffering and misery among hundreds of thousands of people throughout the country, especially in the West. President Roosevelt is very much alarmed over the situation and will use every means within his power to correct existing conditions. He took up the matter to-day with the Interstate Commerce Commission and that body to-night got into telegraphic communication with the presidents of the railroads whose lines traverse the sections of the country which are at present acutely affected by the famine in freight cars. The despatch to the railroad presidents

"From many parts of the country, and particularly from your section, the Interstate Commerce Commission is receiving numerous and importunate complaints of car shortage and failure to transport the necessaries of life. In various places in the Northwest it is represented that people are actually freezing because sufficient coal for household use cannot be procured owing to extraordinary delays in moving that article. The commission therefore urges you to make every possible effort to meet at once and relieve the suffering of those dependent upon the facilities of your

road. This despatch was addressed to the presidents of the Great Northern, the Northern Pacific, the Minneapolis, St. P. and Sault Ste. Marie, the Chicago and Northwestern, the Chicago, Milwaukee and St. Paul and the Chicago, Burlington and

Quincy railroad companies. The most distressing thing in this country to-day is the condition resulting from the failure of the railroads to transport the necessities of life," said Chairman Martin W. Knapp of the Interstate Commerce Commission.

While the complaints that come from the Western States are to the effect that coal is not procurable, owing to the fact that cars cannot be obtained to transport it, the opinion is expressed by Government officials that if the shortage continues a famine in food may be expected in certain parts of the country. The congestion of traffic at many points throughout the United States is worse now than at any time in the history of the country.

The commission is about to make the car hortage the subject of investigation, and hearings will be held next week at Minneapolis, St. Louis and Kansas City. Some days ago special agents of the commission were sent out to make inquiries and confer with railroad men. So far as the Government is advised the car shortage is just as severe now as it was a few weeks ago. The complaints that have already reached the commission come from portions in the West where zero weather prevails nearly all winter and which have recently been visited by storms that have caused great

Intimations have been conveyed to Gov ernment authorities that the railroads could put an end to the car shortage at once if they so desired. The Interstate Commerce Commission is not disposed to pass judgment until the facts are inquired into. As far as the commission is informed, there is no dominant cause for the existing car shortage

"Broadly speaking," said a member of the commission, "it is not primarily a lack of adequate car capacity, but rather want of motive power, sufficient tracks and adequate terminal facilities. A very important element is the delay of shippers in loading and unloading cars. In some places there is such a congestion that embargoes are placed upon traffic to these points, because to continue the movement to such localities increases the congestion."

A specific illustration was given at the offices to-day of the congestion that exists in certain places. At Galveston not long ago there were 4,000 loaded cars, filling completely the terminal yards and all the ide tracks for a long distance up the line. Where such a condition prevails it can apparently be of no benefit to shippers to forward carload traffic to the congested localities," said a member of the com-

In making its inquiry into the causes of the car shortage the commission will endeavor to get light on these points:

 What amount of freight has been offered for shipment at stations which the railroads have not hauled, and what reason is given for transporting the same.

2. Whether empty cars are allowed to remain upon sidetracks or in yards for any length of time. 3. Whether loaded cars are held an unusual length of time before being hauled

to destination. 4. Whether it is the policy of the railroads, as shown by their practice, to make use only of the large cars of recent construction and abandon the use of the older

5. Whether any industry or any commodities have no difficulty in securing a supply of cars not offered to other industries and commodities.

PLAN TO END CAR FAMINE. National Convention Will Urge Law Against

CHICAGO, Dec. 14.-A national demurrage convention has been called to meet in Chicago on January 4 to endeaver to force the railroads to furnish sufficient cars and regu-

late demurrage charges. It is asserted that failure of railroads to furnish cars and to move the traffic is so grave as to be "a menace to the continuance of individual and national pros-

At the convention an amendment to the interstate commerce law, in substance

in part as follows, will be urged "That shippers and receivers of carload freight shall pay to railroads without delay or recourse a fixed amount per car per day beyond a certain fixed time allowed for loading and unloading such amount, that time to be determined by the Inter-

state Commerce Commission "That failure by a railroad to place cars for loading within a reasonable fixed time after demand shall be made for cars by

MRS. ADAMS GETS THE DIVORCE. TUNNEL CAUSED SEWER BREAK The "Rev." Henry Austin Adams With

draws Plea and Agrees to Give Wife Allmony SEATTLE, Wash., Dec. 14.-As the result of Mrs. Flora Adams's visit to Seattle a divorce was not granted to the "Rev." Henry Austin Adams to-day, but to Mrs. Adams, who also gets alimony.

Newton Adams, son of Charles Frederick Adams and nephew of Henry Austin Adams, came with Mrs. Flora Adams from New York.

The attorneys and principals reached an agreement. The original complaint was withdrawn and a cross complaint was filed by Mrs. Adams asking for a divorce, and illeging desertion and adultery on the part of Adams in living with Gertrude Descha as his wife. The Court granted the prayer, gave Mrs.

cent. of Adams's income in excess of \$3,000 a year. Adams will marry Miss Descha as soon as the statutory six months expire. He says he intends to remain here to continue his literary career under the name of Vincent

Adams \$75 a month alimony for the first

year, \$1,200 a month thereafter and 50 per

FRANCHISE GRANT STARTS TALK. Boston Speculating Over Peculiar Move

Harper.

of Aldermen in Telephone Case. BOSTON, Dec. 14.-Mayor Fitzgerald said to-day that at present it is impossible for him to decide whether he will sign or veto the order passed by the Aldermen yesterday granting a franchise to the Metropolitan Home Telephone Company. Speaking of the matter this morning the Mayor said:

"I am amazed that the order should have been passed by the Aldermen without debate or a word of explanation. The fact that the order was passed immediately after election is significant."

The Mayor would not explain his meaning

of the word significant. The question of granting a franchise has been before the Aldermen since last May and several hearings have been held on the subject. A few weeks ago the board voted to give the petitioners 'eave to withdraw but the Aldermen afterward reconsidered their action

Yesterday's action by the Aldermen has been the subject of much comment to-day, and there are many unpleasant stories in circulation as to the reasons why the Aldermen passed the order. The company received its charter from the Secretary of State's office on May 21, 1906. The capital stock is fixed at \$5,000, par value \$100. A number of prominent Boston business men are said to be stockholders, and one of them says the plan involves the expenditure of \$10,000,000. He says that with the establishment of this independent company in Boston the way will be open to connect all New England and the Middle States with lines independent of the existing system.

EX-BOSS DURHAM ON THE STAND. Admits He Put No Money Into Filtration Contract Till Profits Came In.

PHILADELPHIA, Dec. 14.-The erstwhile leader of the Republican organization, Israel W. Durham, was the star witness to-day in the city's equity suit against the contractors who undertook to build the \$25,000,000 filtration plant.

E. Spencer Miller, the attorney for the city, placed Durham upon the rack for an hour, and then took a turn at James P. runs west from that place. After he had McNichol, the present organization leader. | made an examination of the tunnel he gave Durham was made to admit that he had never put any money into the contracting concern which bid for the filtration work

until long after the profits began to come in. McNichol denied that he was a member of the firm, insisting that his wife was a bona fide member and not a shield for him. He declared that he had not participated in the profits while he was a member of Councils. One of the allegations of the bill in equity was that McNichol voted to give his own firm the contracts.

Miller asked the court for an order compelling the McNichol firm to lay open its books for his inspection. The court has

GRASS WIDOWS NOT PREFERRED. Civil Service Commission Denies Repor

WASHINGTON, Dec. 14 .- The Civil Service Commission wants the announcement to go forth that it has no intention of interfering with the domestic relations of married people throughout the country. A waggish person sent out a report not long ago that the commission, in examining women for appointment to the public service, would look with particular favor upon the applications of those who were separated from their husbands. This has brought several letters to Washington. One just received at the offices of the commission from a young married woman in a Western State

contained this statement: "If it is true that the commission intends o give appointments to wives not living with their husbands I will throw the old man over in a minute. Please advise." The erroneous report grew out of the re-

uest made to the commission by the Post Office Department that no married women be appointed to places in the postal service.

SHIPPING COAL BY EXPRESS. People of the Northwest Burning Bu

to Keep From Freezing. ST. PAUL, Dec. 14.-Towns in North Dakota are appealing to the railroads to

ship in fuel. The situation is grave. Coal in 500 pound lots has been shipped by express from St. Paul and Minneapolis, a distance of 500 miles. A cold wave and blizzard has swept North Dakota the past forty-eight hours. A despatch from Glenburn says farmers are burning their outbuildings to keep their families from freez-

Everywhere in the Northwest for more than a week the lighting plants have been shut down and in many places the residents of villages are crowded into the village hall to keep warm, all the fuel of the village having been concentrated there. The Mayor of Cando to-day telegraphed for a ton of coal to be sent by express, saying: "There is not a pound of coal or a stick

of wood in town; but one train has arrived in eight days and it brought no fuel. Farmers and townspeople are burning their fences and outbuildings. Public schools have been suspended for ten days in almost every town. There is plenty of coal at Duluth, St. Paul

and Minneapolis and at the coal nelds at Washburn, N. D., but the railroads will not PLORIDA'S PAMOUS TRAINS
9:25 A. M. and 9:25 P. M. Unexcelled service via
Penn. & Atlantic Coast Line R. R. Florida information Bureau, B'way, cor. 30th 3t.—Ads. FOR A HAPPY NEW YEAR
Get your imported Wines at Cesare Contt, 25 Broad
way. Ask for price list.—Ade.

ASH CART ENGULFED IN FRONT OF THE WALDORF-ASTORIA.

Ponnsylvania Tunnel, 75 Feet Below, Had Reached the Place-Pocket There Below the Bed of an Old Stream -Surface Weakened When It Was Pumped Out.

Edward Mahoney, the driver of an ash wagon, realized last night that there was a Pennsylvania Rajlroad tunnel under a street of this city when his loaded wagon sank nearly out of sight on Thirty-third street just beside the Waldorf-Astoria Hotel about 7:30 o'clock.

Mahoney is employed as a teamster by Richard J. Donovan, who has a contract to carry away the ashes from the Waldorf-Astoria and load them on scows at the foot of East Twenty-ninth street. Last night Mahoney got his load of ashes in Astor court and started east on Thirty-third street oward the scows. He had a load of about three tons and the horses were going slowly.

Just between the two ladies' entrances on the south side of the hotel, where there is a big covered manhole in the street, the right rear wheel broke through the asphalt pavement. The break in the street widened and deepened until almost in an instant the rear end of the wagon was out of sight and the load of ashes was pouring down the

At the first lurch Mahoney was thrown over the horses' backs to the tongue of the wagon. The horses plunged and scraped the driver's legs and hip, but assistance came speedily from the nearby cab drivers and Mahoney was extricated. At the first crash several of the guests ran out from the Palm Room and remained interested spectators of the engulfing of the cart. Within five minutes after the time when the asphalt first cracked all the wagon with the exception of the front wheels and the tongue was below the level of the street, and every few minutes there would be another subsidence of a few

Investigation revealed that the truck had crashed through the top of the street sewer about five feet below the street level. As soon as the accident happened the Tenderloin police station was notified. The reserves were sent around to the hole in the street and the officers of the Consolidated Gas Company were notified that some of the gaspipes might be severed. The police, fearing that more of the street might give way, roped it off between Fifth avenue and Astor court and closed the sidewalk on the south side of the street. The side entrances to the Waldorf were

thus closed to carriages for the night. A notification of the cavein was sent to the offices of the United Engineering and Contracting Company, which has the contract for putting the Pennsylvania tunnels through from North River to East River under Thirty-third street and whose main shaft has been sunk on Thirty-third street between Madison avenue and Fourth avenue. Chief Engineer Brown went down the shaft and out into the tunnel which

"The tunnel is being run east and west from the shaft between Madison and Fourth avenues," he said. "The westerly tunnel has reached a point just below the spot were the cavein on Thirty-third street took place. The floor of the tunnel is 100 feet below the street; the roof is 75 feet below.

"When we approached this spot near the Waldorf-Astoria we looked for trouble. Old city maps confirmed the inference drawn from the conformation of the strata we encountered there, and that was that we were crossing below the bed of an old stream. The stream ran in a general not yet decided whether to grant this re- direction from north to south. At this point the bedrock below the stream bed took a sudden dip down, forming a sag or pocket through the bottom of which we had to drive our tunnel. In other words, we had

to cut off the keel of the dip in the strata. "When we began to do this we found that an accumulation of water from the pipes below the street surface had gathered in this cup shaped space and with it loose gravel and earth. When we pumped the water out the suction undermined the conglomerate there and, I guess, weakened the whole section of earth between the top of the tunnel and the surface of the street. That probably caused the asphalt above the sewer to give way under the weight of the

Mr. Brown reported that no excess of water was noticeable in the tunnel under the place where the wagon went through and that this led him to believe that the bottom of the sewer against which the wagon drove in its descent had not been broken

SCHOOL TEACHERS SUITS UP.

Gets \$2,500-Another Non-Sulted -43 More to Be Heard.

Two out of forty-five suits brought by school teachers against the city to recover sums which they allege to be due them for various reasons, came on for trial yesterday before Supreme Court Justice McCall and a

One was that of Miss Pope McIntosh now Mrs. F. H. Kingsbury. She testified that on February 1, 1901, while she was teaching in Public School 170, she was appointed assistant principal. She never got the increased salary, however, and figured out that when she resigned a year ago to get married there was \$2,500 due

John Jasper, former Superintendent of the Board of Education, corroborated Mrs. Kingsbury's statement that she was appointed assistant principal, and on his testimony Justice McCall directed a judgment in her favor for the full amoun

in her favor for the full amount.

The other case was that of Miss Emma Schneider of Public School 73. Her cause of action was identical with that of Mrs. Kingsbury, but in her case Mr. Jasper denied approving her promotion. So Justice McCall dismissed Miss Schneider's suit. The total of claims involved is nearly \$100,000, and Supt. Maxwell has refused to recognize any of them.

Latest Marine Intelligence. rrived: Ss. Maranhense, Para, December Lucania, Queenstown, December 9.

John Kendrick Bangs begins "Alice in Muni-cipaland" in "Concerning Municipal Ownership for December. Newsstands.—Adv.

BELGIUM INDORSES LEOPOLD. Chamber of Deputies Ready to Take Up

Question of Annexation

Special Cable Despatch to THE SUN.
BRUSSELS, Dec. 14.—The Congo debute in the Chamber of Deputies ended to-day by the passage, by a vote of 128 to 2, of a resolution paying a tribute to King Leopold's work in the Congo Independent State, and desiring that the question of the annexation of the Congo by Belgium should be laid before the Chamber as soon as pos-

FIVE YEARS FOR MRS. BIRDSONG.

Mississippi Weman Admitted to \$10,000

Ball Pending Appeal. HAZBI-HURST, Miss., Dec. 14.-Judge Miller to-day sentenced Mrs. Angie Birdsong to serve five years in the penitentiary for killing Dr. Butler, who was alleged to have

She was admitted to \$10,000 bail pending an appeal to the Supreme Court.

WEST IN BLIZZARD'S GRIP. Frains Snowed In and Lost on Great North-

ern Railread. Sr. PAUL, Dec. 14.-The worst snowstorm in years is reported by the railroad companies which have Western extensions. The trains in western North Dakota on very line are snowbound and in some cases are lost. Some of the Great Northern

through trains are completely snowed in and cannot be located. The snow at many places is piled twenty feet high and traffic s at a standstill. The only Coast trains that have arrived over the Northern Pacific, Great Northern and St. Paul lines in the past twenty-four hours have been from twenty-four to fortyeight hours late and many trains due for two days have not arrived. Advices were

A HISTORY CORPORATION.

trains for days.

To Advance Research and Sustain Interest in Historic Events. The National Historical and Biographical

Society was incorporated yesterday, "to perpetuate history of the United States and the memory of men who have assisted the establishment and preservation of its great interests; to advance historic research and to sustain interest in the perpetuation of many historic events, men, places and scenes in Colonial and

Revolutionary periods of the country." The incorporators are Edmund R. Luce, 598 St. Mary's street, Bloomfield; Frank J. Barthels, 22 Lexington street, Montclair, Bernard A. Devine, Eighth and Grand streets, Plainfield; Mrs. Lucretie V. Jenna 114 East Thirty-second street, New York city, and Sarah O. Lund, 129 East 101st street, New York city.

OPPOSE THE "PEOPLE'S LOBBY?

Kansas Legislators Resent William Allen White's Scheme to Keep Them Straight. TOPEKA, Kan., Dec. 14.-Members of the

Kansas Legislature resent the proposition of William Allen White to organize a branch of his proposed "People's Lobby" at Topeka to watch the Legislature, which convenes early in January.

White says the Legislature needs watch-Republicans come to Topeka during the holiday week and organize and appoint a committee to "line up" the members and

keep them straight. White wants an anti-pass bill enacted, and he fears the railroads will get in their work if the members are not watched. State Senators who came to Topeka to-day

denounced this proposed system of espionage. They say they will meet the proposition by excluding all lobbyists from the Legislature halls.

GLIDDENS STUDIO BURNED OUT. Artists Place Loss at \$20,000 -Portrait

of Father Destroyed Fire in the top floor of a five story studio building at 706 and 708 Madison avenue last night burned through the roof and wrecked the studio occupied by Carleton and Ivan Glidden, artists, on the top floor. The artists were away when the fire started and didn't have a chance to save any of

their valuables. The artists, who are sons of the late Commodore Glidden of Charleston, S. C., put their loss at \$20,000. They said that among the paintings destroyed was one of their father, which was invaluable to

TEST OF BATTLESHIP KANSAS. Averages 18.006 Knots for

Hours. Fulfilling Requirements Boston, Dec. 14.-The new battleship Kansas completed her four hour full power trial off here this afternoon. She made an average speed of 18.096 knots an hour, thus

fulfilling her contract requirements. The warship left Rockland, Me., at 8 o'clock this morning and shortly before 10 was started ahead at full speed. Arriving here at 5 o'clock, the trial board came ashore and went to Washington. Tomorrow the Kansas will begin her twentyfour hour endurance trial, heading toward the Delaware capes

SENTENCED IN PEONAGE CASES. Southern Lumber Co. Managers Fined

and Sent to Penitentiary

PENSACOLA, Fla., Dec. 14.—Sentences were passed this afternoon in the United States Court on the manager and five of the foremen of the Jackson Lumber Company of Lockhart, Ala., who after a trial lasting more than a month were convicted of conspiracy to commit peonage, the peons being foreigners brought South from

New York. Manager W. S. Harlan was sentenced to eighteen months in the Atlanta penitentiary and to pay a fine of \$5,000, and Supt. Robert Gallagher to fifteen months and a fine of \$1,000. Dr. W. E. Grace, Oscar Sander, C. C. Hilton and S. E. Higgins were ser tenced to thirteen months and fines of

In passing sentence Judge Swayne gave Supt. Gallagher a lecture upon his conduct, it appearing that he was responsible for much of the brutality to the foreigners. All of the defendants [appealed to the Court of Appeals and gave bonds.

are made at the Farm, in Southboro, Mass. Their success is owing to the choice materials and the neathers and cleanliness of the preparation.—Ade.

VATICAN DEFINES POSITION

PRICE TWO CENTS.

DENIES THAT FRANCE HAS DE-NOUNCED THE CONCORDAT!

Government Accused of Restility to the Holy Sec-No Existing Law Secures Religious Liberty-Real Peril Lies in Arbitrary Ministerial Circulars.

Special Cable Despatches to THE SUN. Rome, Dec. 14.-The Vationa authorizes the following summary of its view of the

"The Concordat has not yet been desounced by the French Government, which is seeking to establish a new legal position for the Church in France. France has not only not come to an agreement with the Holy See, but has repeatedly and openly shown hostility to the head of the Church.

"The joy of the Masonic and demagogic associations shows that war is being waged against the Church and religion as such.

"Notwithstanding the bills and regulations which have been passed France now possesses no law granting liberty to a religion which does not accept the law of separation. One good thing in M. Briand's circular is the admission of the impossibility of applying the law of 1881 to associations for public worship. The law of 1901 sufficed for other kinds of associations and meetings. Therefore what is wanted is a real law of honest liberty instead of

arbitrary ministerial circulars. "The object of the search of Mgr. Montagnini's residence and his expulsion from France was to make the world believe that the various false statements put in circulation were confirmed in the documents confiscated. The clergy are ready to make received at the St. Paul offices to-day to

the effect that some branches have not run | declaration that this is false. "The opposition is not against the declaration required for religious meetings, but against the whole spirit of Minister Briand's circular." The dealings of the Holy See with Brazil

when the Concordat was suppressed are

quoted as an example of her loyalty and good will under similar circumstances. The general impression in Vatican circles is that the French Government is losing ground and gradually realizing the impossibility of carrying out the measures threatened against the clergy. In the course of a conversation to-day a Cardinal said that the French Government was attempting to make the saying of mass a crime and to punish the priests so offending. Such attempts were unrealizable and would only serve to cover it with ridicule and make it

the laughingstock of the world. Its hands were now tied, he said. It had been forced to declare a truce and to forsake the system of reprisals it had initiated. The outlook appeared hopeful, not because conciliation was expected soon but owing to the fact that the Vatican's firm but passive stand rendered the Government powerless and would eventually force it to drop the persecution of the clergy.

In the meanwhile the Vatioan, unperturbed, attends to the compilation of a note of protest against the violation of the nunciature's archives, which will be delivered to the Ambassadors here and sent to the Apostolic Delegates abroad. The Vatican intends to extend every help to the French clergy and to students

expelled from seminaries. They will con

tinue their studies in the colleges here at

the Pope's expense, and financial help will be extended to needy parish priests in France. The attitude of American Catholics, a expressed in the messages of sympathy received from the Episcopate, is highly appreciated by the Pope, who remarked that "the voice of the most distant Catholics

reached me first." Volumes of telegrams of sympathy are arriving at the Vatican from all over the world. The Osservatore Romane, the organ of the Vatican, publishes some that have

arrived from America. LONDON, Dec. 14.—A despatch to the Exchange Telegraph Company from Rome says that the papal representatives abroad have been instructed to ascertain the attitude of the Powers in regard to receiving a protest by the Pope against the search

of the archives of the Paris nunciature. LAY DECLARATIONS APPROVED.

Cardinal Richard Reported as Favoring Them -Both Sides for Peace. PARIS, Dec. 14. Among the many points in dispute about which there have been statements and denials, restatements and redenials, is the question of whether the Pope authorizes declarations made by members of the laity for services in churches The attitude of Cardinal Richard, Archbishop of Paris, has been represented as

favoring and equally strongly as condemning such declarations. The Temps to-night gives the text of ar opinion drafted at the archbishopry which shows that Cardinal Richard allows such declarations, although it may be pointed out that the Pope may upset the Cardinal's decision as he upset that of Cardinal Lecot

at the last moment. The opinion says: "Are declarations made by third parties disobedience to the Pope? No, provided they are made with the honest, upright intention of avoiding troubles which might result from the present anarchical state and that no claim be made in any way whatever to meddle in the pastoral exercise of religion or to replace in any point the hierarchical authority of the Church.

"In the present case there has appeared no other means of obtaining the good result which is desired. This means has therefore been employed as the sole possible expedient. It has been employed by two citizens because every citizen can interest himself on behalf of public order, and these two being laymen are specifically unaffected by the papal prohibition, which was an ecclesiastical prohibition.

"This prohibition stated: 'The clergy shall continue services, abstaining from any fresh formality.' To avoid contravening this order it suffices and is obligatory that the text be observed in its strict sense and that the superior's intention be not thwarted. The text applies only to the clergy as regards its intention. This is not to subordinate officially the Church to the State. The expedient adopted has respected the text and its intention. Hence there

has been no disobedience. Some of the clerical anti-Governmen morning newspapers deny the authenticity of Cardinal Richard's decision as given by the Temps. As that paper is one of the

that made the highball famous. - Ady